

REMARKS

Claims 1-22 are pending in this application. The Examiner has restricted the claims to three groups: Group I - claims 1-8 and 12-19, drawn to an isolated polynucleotide encoding APAO enzyme in a recombinant cassette, and transgenic plant/cell/seed comprising it; Group II - claims 9 and 20, drawn to method for reducing pathogenicity of a fungus by expressing APAO enzyme and fumonisin esterase; and Group III - claims 10-11 and 21-22, drawn to a method of making APAO enzymes in a recombinantly engineered host cell.

For each of Groups 1-3, the Examiner also recites a species election requesting that one of the following sequences be elected: (A) SEQ ID NO:35; (B) SEQ ID NO:37; (C) SEQ ID NO:39; (D) SEQ ID NO:41; (E) SEQ ID NO:43; or (F) SEQ ID NO:45.

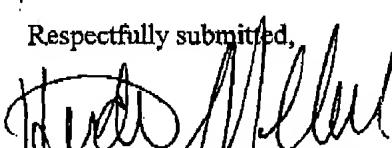
In response to the restriction requirement, applicant elects to prosecute claims 1-8 and 12-19; and SEQ ID NO:35 with traverse. Applicant submits that no separate search is required to search the non-elected groups as all claims are related as product and process of use, and can be reviewed in a single search. Reconsideration is requested. In the event the requirement is maintained, claims 9-11 and 20-22 will be canceled upon indication of allowable subject matter.

With respect to the sequences, applicant hereby provisionally elects the species of SEQ ID NO:35.

No fees or extensions of time are believed to be due in connection with this election; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



Heidi S. Nebel, Reg. No. 37,719
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309
Phone: 515-288-3667
Facsimile: 515-288-1338
CUSTOMER NO. 27142
Attorneys of Record

- pw -